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EXAMINER
LERNER, MARTIN

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2626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 July 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213..

Disposition of Claims

4)☒ Claim(s) *1 to 19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 to 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities:

On page 4, ¶[0013], "transcribe text speech into text" should be –transcribe

speech into text––.

On page 4, ¶[0013], a double period ".." at the end of the paragraph should be "."

On page 5, ¶[0015], "users of convention phones" should be –users of

conventional phones––.

On page 5, ¶[0017], "would receiver" should be –would receive––.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1 to 19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Moore et al. ('041).

Regarding independent claims 1 and 18, *Moore et al. ('041)* discloses a method

and machine readable program code for responding to messages, comprising:

"receiving a speech input from a telephone through a teleconferencing system" –

speech information from a user using a telephone 62 is carried through PSTN 60 and

arrives as a conventional telephone signal at VoIP gateway 54 (Page 10: ¶[[0105]:

Figure 1); intelligent chat gateway 52 manages messaging communications among a

plurality of parties (Page 2: ¶[[0030], Page 8: ¶[[0096]), and can provide services

including video conference establishment (Pages 7 to 8: ¶[[0087]); thus, managing

communication among a plurality of parties that can include a video conference is

equivalent to "a teleconferencing system";

"transcribing the speech into a first text message" – the packetized data stream is

directed to speech-to-text module 74 to convert the received speech signals into a

textual representation (Page 10: ¶[[0105]: Figure 1);

"transmitting the first text message to a plurality of devices coupled to an instant

messaging network belonging to the instant messaging based conference" – the textual

information may then be sent to a text chat interface of chat client 14, perhaps in the

form of a typical chat message, via network 20 and perhaps involving IM service 22; an

optional instant messaging sender 79a is depicted along connection 76 representing

adaptation of the speech-to-text module 74 to carry on instant communications with chat

client 14 (Page 10: ¶[[0105]: Figure 1); a chat client 14 supports communications with

one or more principals, and instant messaging through which text messages can be

exchanged in real time with one or more other parties ("to a plurality of devices coupled

to an instant messaging network belonging to the instant messaging based conference")

(Page 6: ¶[0075], Page 7: ¶[0082]);

"receiving a second text message from any one among the plurality of devices on

the instant messaging based conference" – intelligent media translator (IMT) 70 may

comprise a port for receiving textual information from a messaging client (Page 10:

¶[0104]: Figure 1); chat client 14 may be implemented by or based upon well known

instant messaging (Page 6, ¶[0075]: Figure 1);

"converting the second text message to a speech output" – intelligent media

translator 70 comprises a text-to-speech conversion process for converting the received

textual information into corresponding speech signals via a text-to-speech module 72

(Page 10: ¶[0103] - ¶[0104]: Figure 1);

"transmitting the speech output to the telephone via the teleconferencing system"

– speech signals are sent through a communications medium, such as a telephone

connection or RTP session, to a chat client 14 or telephone 62 (Page 10: ¶[0103] -

¶[0104]: Figure 1).

Regarding independent claim 8, *Moore et al. ('041)* discloses a messaging

response system, comprising:

"an input port for receiving a calling party's speech input via a teleconferencing

system" – intelligent media translator (IMT) 70 may comprise a port for receiving speech

signals from a chat client 14 or from telephones 62 (Page 10: ¶[0104] - ¶[0105]: Figure

1); intelligent chat gateway 52 manages messaging communications among a plurality

of parties (Page 2: ¶[0030], Page 8: ¶[0096]), and can provide services including video conference establishment (Pages 7 to 8: ¶[0087]); thus, managing communication among a plurality of parties that can include a video conference is equivalent to "a teleconferencing system";

"a speech-to-text converter for converting the calling party's speech input to a text message for transmission to an instant messaging system" – speech-to-text module 74 converts between speech signals received from telephones such as telephone 62 and text chat employed by chat client 14 (Page 10: ¶[0104]: Figure 1); chat client 14 may be implemented by or based upon well known instant messaging (Page 6, ¶[0075]: Figure 1);

"a text-to-speech converter for converting text messages received form the instant messaging system to a speech output for transmission to the teleconferencing system" – text-to-speech module 72 converts between text chat employed by chat client 14 by speech synthesis to provide speech signals for telephones such as telephone 62 (Page 10: ¶[0104]: Figure 1).

Regarding claims 2, 13, and 17, *Moore et al. ('041)* discloses a profile is maintained for a given user ("a user profile") as a preference as to how synthesized speech presented to him is rendered ("voice signature"); aspects of speech rendering include whether a male or female voice is preferred, approximate speaker age, vocal characteristics, inflection, and local dialect; in some implementations, a party may elect to use a speech persona that is whimsical or that emulates the characteristics of a

popular recognizable personality (" at least one of . . . customized speech output . . . as defined by the user")

Regarding claims 3, 7, and 12, *Moore et al. ('041)* discloses text is converted to speech by text-to-speech module 72 employing speech synthesis technology. (Page 10: ¶[0103]: Figure 1)

Regarding claims 4, 5, 11, and 19, *Moore et al. ('041)* discloses that in the course of converting speech and other audible signals into corresponding symbols or text, IMT 70 may also perform translation among different spoken and written languages, for example, converting English text to Spanish speech and vice-versa. (Page 11: ¶[0112])

Regarding claim 6, *Moore et al. ('041)* discloses that, after the packetized data stream is converted into a textual representation by speech-to-text module 74, the textual information is then sent via network 20 ("transmitting a text stream"). (Page 10: ¶[0105]: Figure 1)

Regarding claim 9, *Moore et al. ('041)* discloses gateway system 50 coupled to network 20 or provider system 30 supports the completion of calls between data processing system 12 and stations (i.e. telephone 62) within wireless or wired telephony networks, such as Public Switched Telephonic Network (PSTN) 60; intelligent chat gateway 52 manages messaging communications among a plurality of parties (Page 2: ¶[0030], Page 8: ¶[0096]), and can provide services including video conference establishment (Pages 7 to 8: ¶[0087]); thus, managing communication among a plurality of parties that can include a video conference is equivalent to "a teleconferencing system". (Page 8: ¶[0092]: Figure 1)

Regarding claim 10, *Moore et al. ('041)* discloses that a data processing system 12 may comprise a laptop or handheld computer system, a personal digital assistant (PDA), or a mobile telephone to execute chat client 14 as an application, and to provide chat-based services. (Page 6: ¶[0074]: Figure 1)

Regarding claim 14, *Moore et al. ('041)* discloses that chat client 14 may present a user interface that is within a display device of data processing system 12; chat client 14 has an instant messaging window through which text messages are presented, as well as images and video. (Page 7 ¶[0079]: Figure 2, Page 7: ¶[0082]: Figure 1)

Regarding claim 15, *Moore et al. ('041)* discloses that text messages are exchanged in real time. (Page 7: ¶[0082]: Figure 1)

Regarding claim 16, *Moore et al. ('041)* discloses instant communications by establishing sessions through a network by a TCP/IP connection (Page 5: ¶[0061] - ¶[0062]); a TCP/IP connection involves "data transmission protocols" for communications over the Internet.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Kanevsky et al., Ogle et al., Wiser et al., Flanagan et al. ('754), and Flanagan ('769) disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-

7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML
4/11/07

Martin Lerner
Examiner
Group Art Unit 2626